

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

TIFFANIE HUPP, R.H., *a minor, by and
through his next friend, Tiffanie Hupp, and
CLIFFORD MYERS,*
Plaintiffs,

v.

**No. 2:17-CV-926
Hon. Thomas E. Johnston**

**STATE TROOPER SETH COOK and
COLONEL C.R. "JAY" SMITHERS,**
Defendants.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Come now Defendants and move the Court for summary judgment on Plaintiffs' claims against them. As more fully set out in Defendants' memorandum, filed contemporaneously herewith and hereby fully incorporated herein, there is no genuine dispute as to any material fact, and Defendants are entitled to judgment as a matter of law. Accordingly, Defendants respectfully request the Court to **GRANT** Defendants motion.

SETH COOK and C.R. "JAY" SMITHERS,
By counsel,

/s/ Michael D. Mullins

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2018, I served the foregoing "*Defendants'*
Motion for Summary Judgment" and memorandum in support thereof with the Clerk of the Court
using the CM/ECF system, which will send electronic notification of such filing to:

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